

EXHIBIT 18

Declaration of
Plaintiff Jocelyn
Merrill

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
teachers in the New Hampshire Public Schools, and)
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
DURDEN, parents or guardians of children in the New)
Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
Commissioner of the DEPARTMENT OF EDUCATION)
("DOE"), CHRISTIAN KIM in his Official Capacity as the)
Chair of the NEW HAMPSHIRE COMMISSION ON)
HUMAN RIGHTS, and JOHN FOMELLA in his Official)
Capacity as ATTORNEY GENERAL of the State of New)
Hampshire.)

Defendants.)

Civil No. 1:21-cv-01077-PB

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ANDRES MEJIA,)
CHRISTINA KIM PHILIBOTTE, and)
NATIONAL EDUCATION ASSOCIATION-NEW)
HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
Commissioner of the New Hampshire Department of)
Education,)

JOHN M. FORMELLA, in his official capacity only as the)
Attorney General of the State of New Hampshire,)

AHNI MALACHI, in her official capacity only as the)
Executive Director of the New Hampshire Commission for)
Human Rights,)

CHRISTIAN KIM, in his official capacity)
only as the Chair of the New Hampshire Commission for)
Human Rights,)

KEN MERRIFIELD, in his official capacity only as the)
Commissioner of the Department of Labor,)

Defendants.)

DECLARATION OF JOCELYN MERRILL

I, Jocelyn Merrill, pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. My name is Jocelyn Merrill. I am a ninth grade English and Journalism teacher at Nashua High School North. I have been teaching in New Hampshire public schools for 12 years, most recently as a ninth grade English teacher.

2. The Divisive Concepts Law has impacted how I teach. I have taken certain articles and material out of my curriculum . For example, I no longer share articles that I previously used in connection with the book “To Kill A Mockingbird” to discuss systemic racism and “white privilege.” I have also refrained from showing certain videos, such as “White Like Me,” for fear that using these materials would be considered a violation of the Divisive Concepts Law.

3. I also do not know whether simply discussing these topics, even if brought up by students in my class, would subject me to investigation under the Divisive Concepts Law. Teachers in my school worry that curricular material could be photographed by students and brought to their parents to file complaints.

4. I attended an AFT Townhall after the Divisive Concepts Law was passed to try to understand what was prohibited under the new law. The AFT did not have answers from the DOE on what could and could not be taught, and we never heard from any representatives at the Department of Education or Human Rights Commission about the law.

5. In fact, I recall specifically that students in my journalism class discussed the Divisive Concepts Law when it was first passed amongst themselves. One particular student suggested, in sum or substance, that the law was “just another way to pit parents and teachers against each other and not trust the students.”

6. In my experience, teachers are informed and professional. They know how to appropriately teach their curriculum. The law interferes with their ability to educate freely and

hampers one of the most essential parts of a high school education – guiding students to be critical thinkers.

7. HB 544 and the Divisive Concepts Law has also had an impact outside the classroom. After the COVID-19 pandemic I was part of an afterschool diversity and inclusion group – initiated by students – comprised of both students and faculty. The mission of the group was to try to find ways to make our school more culturally responsive and inclusive.

8. As the legislature moved forward with HB 544 and eventually the Divisive Concepts Law, the meetings stopped and the group was ultimately disbanded. My belief is that the Divisive Concepts Law and HB 544 were responsible for the group's demise.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of August, 2023

/s/ Jocelyn Merrill

Jocelyn Merrill